

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-4734

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ALTHEA BLACKWOOD,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. James C. Fox, Senior District Judge. (CR-93-58-F)

Submitted: April 28, 2004

Decided: May 18, 2004

Before WILKINSON, LUTTIG, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Bridgett Britt Aguirre, Fuquay-Varina, North Carolina, for Appellant. Frank D. Whitney, United States Attorney, Anne M. Hayes, Christine Witcover Dean, Assistant United States Attorneys, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Althea Blackwood appeals from the order of the district court revoking her supervised release and sentencing her to forty-eight months imprisonment. Finding no error, we affirm.

Blackwood asserts she was not advised of the potential consequences attendant on revocation of supervised release at the time of her underlying guilty plea in 1993, and this failure amounts to plain error, tainting the subsequent sentence on revocation of supervised release. This claim is, in essence, a challenge to the propriety of the 1993 plea hearing and resultant sentence and conviction. Blackwood's opportunity to raise this claim by direct appeal has long since lapsed. See Fed. R. App. P. 4(b)(1)(A). Similarly, Blackwood's right to move to vacate, set aside, or correct her conviction and sentence lapsed on April 24, 1997, one year after the enactment of the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA). See Hernandez v. Caldwell, 225 F.3d 435, 437-39 (4th Cir. 2000); Brown v. Angelone, 150 F.3d 370, 375-76 (4th Cir. 1998). Accordingly, although we have jurisdiction over the present appeal of the revocation order, we do not have jurisdiction over the claim she advances in this appeal. See United States v. Raynor, 939 F.2d 191, 196 (4th Cir. 1991).

We affirm the order of the district court. We dispense with oral argument because the facts and legal contentions are

adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED